

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554**

In the Matter of

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Structure and Practices of the Video Relay
Service Program

CG Docket No. 10-51

**SIGN LANGUAGE SPECIALISTS, INC.
PETITION FOR WAIVER**

I. Introduction.

Sign Language Specialists, Inc. ("SLS" or the "Company") is a Missouri corporation, with its principal office in Lee's Summit, Missouri. SLS, through its undersigned attorneys, pursuant to Rule 1.3 of the Federal Communications Commission's ("Commission") rules and the Commission's new Report and Order dated April 5 in this docket ("2011 Order"), hereby respectfully requests a waiver of the requirements of the 2011 Order prohibiting SLS from Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules. The Commission may grant waiver of its rules for good cause where "the particular facts make strict compliance inconsistent with the public interest." Good cause for a waiver exists in this case. For the reasons set forth herein, grant of this waiver is in the public interest.

II. Discussion.

Sign Language Specialists, Inc. ("SLS") is a privately-held, woman-owned small business operating since 2003. SLS operates two CSDVRS, LLC ("ZVRS") call centers located in Lee's Summit, Missouri and Bentonville, Arkansas. While SLS began as an interpreting agency serving its local deaf community with on-site interpreting services in Western Missouri and Eastern Kansas, the addition of Video Relay Service in 2005 has created stability, structure, and support for the growth and development of highly qualified, certified interpreters in traditionally underserved regions of the Midwest. SLS has never marketed its own VRS services and seeks to continue its relationship with ZVRS in a manner appropriate, ethical, and beneficial to its local and national deaf communities.

SLS was established as a small interpreting agency serving the greater Kansas City area in 2003. Two years later, SLS was selected by Communication Services for the Deaf as a third party vendor for Video Relay Service operational support. From that time, SLS performed for CSD the screening, hiring, training, and management of highly qualified and ethical communication assistants (CAs), as well as general in-center management. As CSD transitioned to CSDVRS, LCC, SLS continued its excellence in VRS center operations with a second SLS center in Bentonville, AR.

1 , In the Matter of Structure and Practices of the Video Relay Service Program, Report and Order and Further Notice of Proposed Rulemaking, CG Docket 10-51, ¶ 58 ("2011 Order") (Adopted April 5, 2011).

While support of quality interpreting, the highest ethical standards, and service to the Deaf community has been of the highest priority to SLS, the addition of VRS services allow SLS to provide a fair wage and benefits to its interpreters, establish a training and development center for interpreter mentoring, workshops, and online training, and put intensive resources into the achievement of national certification for over twenty interpreters plus recruit experienced and certified professionals to the traditionally underserved communities of Kansas City and Northwest Arkansas. While this is a very small portion of the overall impact of Video Relay Service, the ability for SLS to contract VRS services with ZVRS has had a profound impact on the retention of the highly qualified local interpreters it employs and the quality service provided to the local deaf communities it serves.

SLS has provided appropriate wages and benefits to its employees, enabling it to train nationally certified interpreters in the underserved areas of Western Missouri, Eastern Kansas and Northwest Arkansas, with local community services and training materials for interpreters over the internet.

III. Request for Waiver

The Commission may waive its rules for good cause shown. The Commission may exercise its discretion to waive a rule when the "the particular facts make strict compliance inconsistent with the public interest." In deciding whether to grant a waiver, the Commission may take into consideration hardship, equity or more effective implementation of overall policy on an individual basis. In this case, the Commission explicitly stated that it will consider petitions for temporary waiver of the new rules to enable entities that are currently providing VRS services to continue to do so until such time as they can obtain certification under new procedures adopted by the Commission.

SLS requests a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, which prohibits VRS providers from contracting with third-party call centers for interpretation services or call center functions unless that authorized third party is also an eligible provider. These rules address so-called "white label" VRS providers that independently market or offer VRS services under their own names or facilitate an eligible provider's ability to market its services under a variety of brand names and websites. As demonstrated herein, SLS is not a "white label" VRS provider that the Commission intended to address in implementing its new rules. SLS already complies with the Commission's non-certification requirements including interpreter training and qualification, call handling and call center management. SLS maintains two Commission-compliant call centers with secure access, direct supervision of interpreters, back-up power and system redundancy, the ability to handle 9-1-1 calls and procedures to ensure the privacy of VRS sessions. SLS also intends to comply with the Commission's final certification rules within 30 days after they become effective, including to restructure its contract with ZVRS to be paid per-hour rather than per-minute, as the Commission prefers.

Waiver of the requirements in Section 64.604(c)(5)(iii)(N)(1)(iii) in the case of SLS is in the public interest and does not conflict with the goal of the Commission to stop VRS fraud and abuse, promote efficient provision of VRS services, enforce safeguards for call centers and prevent improper revenue sharing arrangements. In fact, it is in the public interest to allow VRS providers to contract with reputable, efficient interpreting call centers in order to ensure that

there are sufficient trained staff available to respond to the call volumes handled by the VRS centers. This will help to ensure that relay customers do not experience an issue with the quality and speed of answer of their relayed calls.

The Commission's original order forced SLS to close its nationally-known Training and Development department and lay off two deaf employees. The proposed order will cause a 75% reduction in income, resulting in widespread layoffs and reduction in benefits for the remaining employees of SLS.

For the forgoing reasons, SLS respectfully requests the Commission grant SLS a temporary waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules until such time as SLS can come into compliance with the Commission's VRS certification requirements. As described herein, there is good cause to grant SLS the requested waiver as a strict application of the requirements of Section 64.604 to SLS would be inconsistent with the public interest.

Respectfully Submitted,

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